

**City of Wichita
District III Advisory Board Meeting
June 2, 2010**

TO: City Council Member
District Advisory Board Members

SUBJECT: DER 2010-00006 Amendments to the Disposition Supplements and the General Urban Renewal Plan of November 27, 1972, for the Wichita Neighborhood Development Program Urban Renewal Area. (Districts I, III, IV, VI)

INITIATED BY: Planning

AGENDA: New Business

Recommendation: Endorse the recommended amendments to the Disposition Supplements and the General Urban Renewal Plan of November 27, 1972, for the Wichita Neighborhood Development Program Urban Renewal Area.

Background: The General Urban Renewal Plan for the Wichita Neighborhood Development Program, Urban Renewal Area (*see Map 1*) was last completed on November 27, 1972. The Plan contains a General Land Use Plan map, a description of land use categories, planning standards, 14 Project Activity Areas (most with unique Disposition Supplements), and a description of techniques to achieve the objectives of the Plan. A recent developer request to amend the General Urban Renewal Plan (URP) has raised questions regarding the relevancy and continued usefulness of the URP provisions/standards developed in the early 1960's that are not consistent with the City's current zoning requirements and land use planning policy direction. The URP's original purpose was to guide public land acquisition and redevelopment in Wichita's inner city areas. Listed below is a summary of current problems associated with the URP provisions/standards:

- **Outdated, irrelevant and inflexible** - The URP contains provisions, standards and controls related to land use, building requirements, rehabilitation of existing structures, circulation requirements, signage, redeveloper's obligations, and design objectives that are contrary with current underlying city zoning requirements, various city codes and regulations, the adopted City Comprehensive Plan, and contemporary urban planning practices. More current and relevant land use plans now exist for much of the URP. Since the early 1990's, almost a dozen land neighborhood/area plans and regulations have been adopted by the City Council, covering over 72% of the URP area (*see Map 2*). A new Downtown Revitalization Master Plan will also be finalized later this year.
- **Administrative enforcement** - The URP provisions, standards and controls apply to any property that has been owned (past or present) by the City or the former Urban Renewal Agency, unless a Development Agreement or deed restriction is in place for a specific property. In most cases, only a detailed/expensive title search can determine chain of title issues. The Urban Renewal Agency functions were taken over by the City in the early 1980's. There are problems with missing/destroyed URP files; no record of filing URP dispositions; wrong URP land use maps recorded; no centralized tracking of URP files, development agreements and deed restrictions; and, illegible URP land use maps.

- **Delayed, stymied and complicated development approval** - For the development industry, URP amendments represent unnecessary complications, expenses and delays. Over the years, several amendments have been made to the URP in order to accommodate a variety of redevelopment projects in downtown Wichita that were not consistent with URP land use, building, signage and off-street parking requirements. Other projects have been delayed or stymied because of URP requirements and associated legal challenges.

Analysis: The URP area located outside the designated Project Activity Areas has no specific termination timetable or provision other than the plan amendment provision available to the City Council. The designated URP Project Activity Areas have automatic renewals for various successive 10 year periods, and can be terminated at the end of each specified period by an action of City Council. Termination during the 10 year period is possible, but requires individual property notifications and a majority vote of the owners of property according to square foot coverage.

The City Law Department and the Urban Development Department advise that there are important economic development and legal advantages for the City in retaining the framework of the General Urban Renewal Plan, and the Council's authority to exercise urban renewal powers (e.g. establishment of TIF Districts; existing designations of slum and blight conditions that serve as a basis for various statutory programs; and, the use of the option of eminent domain).

Staff feels there is merit initiating general URP amendments that would leave the Urban Renewal Area and Urban Renewal Plan 'framework' in place, but eliminate the problematic provisions and standards that are contrary to the current city zoning requirements, relevant city codes and regulations, and the comprehensive plan. The proposed URP amendments (*see Resolution, Exhibits "A" and "B"*) would create a new "Deferred Use" category applicable throughout each of the Disposition Supplements and throughout the entirety of the General Urban Renewal Plan Neighborhood Development Program Area. Other problematic URP sections (Part D. Urban Renewal Techniques; and, Exhibit "A" Residential / Nonresidential Property Rehabilitation Standards) are also repealed. The net effect of these amendments is to allow the underlying zoning requirements of the Wichita-Sedgwick County Unified Zoning Code, relevant city codes and regulations, and planning guidance from the Comprehensive Plan (including the adopted neighborhood/area plans) to prevail.

According to K.S.A. 17-4747, the planning commission must make a recommendation to the city council as to the amendment's conformity with the city's comprehensive plan. On May 20, 2010, the Wichita-Sedgwick County Metropolitan Area Planning Commission reviewed the proposed URP amendments, and unanimously passed a motion finding the proposed URP amendments to be in conformity with the Wichita-Sedgwick County Comprehensive Plan. Notice of the City Council public hearing for the proposed URP amendments was published in the Wichita Eagle on June 24, 2010.

Financial Considerations: None

Goal Impact: The proposed URP amendments impacts two goal areas. They support the goal to Promote Economic Vitality, and the goal to Support a Dynamic Core Area and Vibrant Neighborhoods.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Endorse the recommended amendments to the Disposition Supplements and the General Urban Renewal Plan of November 27, 1972, for the Wichita Neighborhood Development Program Urban Renewal Area.

Attachments: Map 1, Map 2, Resolution, Exhibit "A", Exhibit "B".